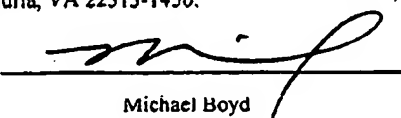


EV517725532US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



re the Patent Application of:		Group Art Unit: 1639
Applicant:	Michael W. Pantoliano <i>et al.</i>	Examiner: Bennett M. Celsa
Serial No.:	10/057,940	
Filed:	January 29, 2002	
Title: HIGH THROUGHPUT METHOD FOR FUNCTIONALLY CLASSIFYING PROTEINS IDENTIFIED USING A GENOMICS APPROACH		<u>Certificate of Mailing Under C.F.R. §1.8</u> I hereby certify that this correspondence and all marked attachments are being deposited by Express Mail, Express Mailing Label No.: EV 517725532 US on 22-Oct-04 addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  Michael Boyd

*9 total  
1 Draft  
Please charge*

**SUPPLEMENTAL RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
 Commissioner for Patents  
 PO Box 1450  
 Alexandria, Virginia 22313-1450

Sir:

This is a response to the Office Communication mailed September 29, 2004. No fees are believed to be due in connection with this submission. However, if any fees are required, please charge any fee due to Deposit Account No. 23-2415.

**Listing of the Claims**, reflecting the status of the claims, begins on page 2 of this paper.

**Remarks** begin on page 5 of this paper.

01/06/2005 PSTANBAC 00000002 232415 10057940

01 FC:1201 88.00 DA  
 02 FC:1202 162.00 DA

REMARKS

Claims 31-70 are pending.

Pursuant to 37 C.F.R. §1.142 and §1.146, Applicants previously elected without traverse the invention of Group I, claims 31, 32 and 36-47, in a Response to Restriction Requirement mailed July 16, 2004. Accordingly, claims 33-35 and 48-70 are withdrawn from consideration.

As pointed out in an Office Communication dated September 29, 2004, Applicants inadvertently neglected to respond to the election-of-species requirement. Applicants hereby elect Factor Xa as the species with traverse. This election of species is made with the understanding that if the Examiner finds that the elected species is patentable, examination will be extended to other species within the full genus of the elected claims. See 37 C.F.R. § 1.146. Moreover, for reasons provided below, Applicants request withdrawal of the election of species requirement.

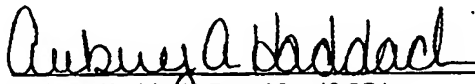
Only when an application is directed to more than one patentably distinct species may the Examiner require the Applicant to elect a species to be examined. See 37 C.F.R. §1.146. The Examiner indicated that the independent method claims of Groups I-III are generic to the classification of a plurality of disclosed patentably distinct species of "target proteins" used in the claimed methods. For purposes of examination of the elected group of claims, Applicants admit that the identity of a particular target species lends no patentable distinctness to the claimed invention because the substitution of one target for another target in the recited methods is considered an obvious variation. Thus, Applicants traverse the election of species and respectfully request its withdrawal.

CONCLUSION

Applicants respectfully request prompt examination on the merits of the full scope of claims 31-32 and 36-47. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (858) 350-2319.

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

  
Aubrey Haddach Reg. No. 48,374

Date: October 22, 2004

650 Page Mill Road  
Palo Alto, CA 94304  
(858) 350-2319  
Customer No. 021971